

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC

In the matter of: )  
)  
Amendment of the Commission’s Rules and ) RM-11787  
Policies to Improve the Translator )  
Interference Complaint Process )  
)

**COMMENTS OF REC NETWORKS**

The advocacy arm of REC Networks (“REC”) has been working for nearly thirty years to expand access to the airwaves to individuals and small non-profit organizations. Since the late 1990s, REC has been advocating for the Low Power FM (“LPFM”) service for a “non-activist” segment-neutral perspective and has been a recognized leader in policy for the LPFM service but we also work in support of smaller commercial and non-commercial full-service broadcast stations, especially in rural areas.

The National Association of Broadcasters (“NAB”) petition proposes, in part, that FM translators be able to move to any channel as a “minor” change as opposed to the current definition of a minor change only allowing a change to a first, second or third-adjacent channel or a intermediate frequency (+/- 10.6 or 10.8 MHz).<sup>1</sup> Specifically, NAB proposes that “non-adjacent” channel changes should be permitted to resolve interference as a minor change after verifying that no adjacent or IF-spaced channels are available.<sup>2</sup> Under NAB’s proposal, the translator licensee should be allowed to submit an affidavit and engineering statement to demonstrate the interference.<sup>3</sup>

REC supports rule changes that bring FM translators and LPFM to as close of a level playing field within the confines of the Local Community Radio Act and recognizing that LPFM stations originate all of their programming on their sole low-powred facility.<sup>4</sup> Currently, LPFM has a rule that permits channel changes to any channel upon a showing of reduced interference.<sup>5</sup> REC has successfully performed many channel changes for LPFM stations under §73.870(a) of the rules. In most of the cases, it involved an LPFM station being inside the interfering contour of a co-channel or first-adjacent channel station. The proposed channel would result in a

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<sup>1</sup> - See 47 C.F.R. §74.1233(a)(1).

<sup>2</sup> - Petition at 6.

<sup>3</sup> - Id.

<sup>4</sup> - Pub L. No. 111-371, 124 Stat. 4072 (2011).

<sup>5</sup> - See 47 C.F.R. §73.870(a).

reduction in interference from either moving some population outside of an interfering contour or at the least, reducing the interference by moving to a channel that still meets §73.807 spacing but has either the same or fewer interfering stations with weaker interfering contours. As a service that originates its own programming, LPFM enjoys a more robust ability to provide service despite the moves subsequently made by full-service FM stations.<sup>6</sup> There have not been that many applications filed by LPFM stations to remediate outward interference.

While we do not support changing the LPFM or FM translator outward interference rules, we do support NAB's contention that FM translators should be able to change to any channel upon a showing of reduced interference which can include:

- The new channel results in an elimination of another station's interfering contour to any population within the translator's protected contour that currently receives interference on the translator's currently authorized channel.
- The new channel results in population within the translator's protected contour still receiving interference but at a lower field strength.
- For translators with protected contours completely outside of the interfering contours of all co-channel and first-adjacent channels, specifying a new channel will result in remaining outside the interfering contours but the field strengths of the co-channel and first-adjacent channel stations are weaker than the current channel.
- Outbound interference (the subject translator interfering with another facility) would be reduced using contour methodology.
- A terrain-based propagation model such as Longley/Rice can make the determination that interference to or from the translator would be reduced.

To be consistent with the LPFM rules, REC does not feel that it is necessary for a translator seeking a channel change to first eliminate the possibility of an adjacent or IF channel. While there may be some adjacent or IF channels that may reduce interference as well as meet the contour overlap protection requirements, there may be a non-adjacent channel that may function better (e.g. the adjacent channel may still receive an interfering contour but at a lower field strength however there may be a non-adjacent channel that is completely outside of the interfering contours of all other facilities). REC feels that for FM translators, like for LPFM, a showing of ruling-out adjacent and IF channels is not necessary.

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<sup>6</sup> - See 47 C.F.R. §73.809(a): If a full service commercial or NCE FM facility application is filed subsequent to the filing of an LPFM station facility application, such full service station is protected against any condition of interference to the direct reception of its signal caused by such LPFM station that operates on the same channel or first-adjacent channel provided that the interference is predicted to occur and actually occurs within:

- (1) The 3.16 mV/m (70 dBu) contour of such full service station;
- (2) The community of license of such full service station; or
- (3) Any area of the community of license of such full service station that is predicted to receive at least a 1 mV/ m (60 dBu) signal. Predicted interference shall be calculated in accordance with the ratios set forth in § 73.215 paragraphs (a)(1) and (a)(2). Intermediate frequency (IF) channel interference overlap will be determined based upon overlap of the 91 dBu F(50,50) contours of the FM and LPFM stations. Actual interference will be considered to occur whenever reception of a regularly used signal is impaired by the signal radiated by the LPFM station.

Some in the LPFM community are worried about the proliferation of FM translators and the fact that newly authorized FM translators, despite providing proper contour overlap to LPFM stations are continuing to interfere with LPFM stations. Since LPFM is specifically not called out in §74.1203(a) and based on interpretations by Commission staff, many LPFM stations feel that they have no recourse to address interference from FM translators, especially if the LPFM station may notice that they have not constructed per the terms of their construction permit (such as using an incorrect directional antenna). Instead, LPFM stations are being told by Staff to “live with it”.

Channel changes, moves and new FM translator facilities will happen no matter the outcome of this petition. LPFMs should always be prepared for a translator to come close to them but at the same time, translators need to be responsible to the community as a whole and refrain from aggressive acts such as “contour hugging” (where a directional antenna is used to place the translator’s interfering contour over a significant amount of area around the victim LPFM station thus “hugging” it). As we all know, contours are just a prediction and contours were never really designed for low power facilities like LPFM and FM translators. Interfering field strengths do leave the confines of the contours quite frequently and it is happening in the real world more than you think. With that said, LPFM stations, which unlike FM translators, originate 100% of their programming from their low powered facility without depending on a full-service “feeder”. LPFM stations deserve specific protections under §74.1203(a). Such protections do not place LPFM at a primary status and would continue to make them equal in status under §5(3) of the LCRA.

This is one of those few times we agree with the NAB. While we agree that FM translators should be able to make non-adjacent channel changes using the proven LPFM policy, we must assure that LPFM stations have a future and that they are protected from interference under §74.1203(a) and predatory practices such as spectrum hugging.

Respectfully submitted,

/S/

Michelle Bradley

Founder

REC Networks

11541 Riverton Wharf Rd.

Mardela Springs, MD 21837

<http://recnet.com>

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